

DOCKETED

AUG 22 1979

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BALLY MANUFACTURING CORPORATION,

Plaintiff,

v.

D. GOTTLIEB & CO., a corporation,
WILLIAMS ELECTRONICS, INC., a
corporation, and
ROCKWELL INTERNATIONAL CORPORATION,
a corporation,

Defendants.

CIVIL ACTION NO.

78 C 2246

AFFIDAVIT OF GERALD M. GROSS IN
SUPPORT OF ROCKWELL'S MOTION TO DISMISS UNDER
RULE 12, FED. R. DIV. P.

Gerald M. Gross, being duly sworn, deposes and says that:

(1) He has been an employee of Rockwell International Corporation (hereinafter Rockwell) since 1964.

(2) He is a program manager at Rockwell having responsibility for a microcomputer controller (hereafter the Gottlieb Controller) presently being manufactured and sold by Rockwell to D. Gottlieb and Co. (hereafter Gottlieb) for use in controlling operation of Gottlieb pinball machines.

(3) He has knowledge of the assembly, sale and shipment of Gottlieb Controllers by Rockwell. Exhibit A hereto is a copy

of a photograph of the controller module which is presently assembled, shipped and sold by Rockwell as part of the Gottlieb Controller.

(4) The controller module of the Gottlieb Controller as assembled, shipped and sold by Rockwell is only partially programmed by Rockwell, and is inoperative to control the play of any pinball game until Gottlieb completes the programming by adding a programmed memory component.

(5) Exhibit B hereto is a copy of a completely programmed controller module for the Gottlieb Controller. Exhibit B shows the memory component which Rockwell neither purchases, nor programs nor installs for Gottlieb. This memory component is encircled for identification in Exhibit B and seen to be absent from the Gottlieb Controller of Exhibit A as assembled, shipped and sold by Rockwell. Exhibit A shows the socket (which is encircled for identification) for the memory component to be added by Gottlieb.

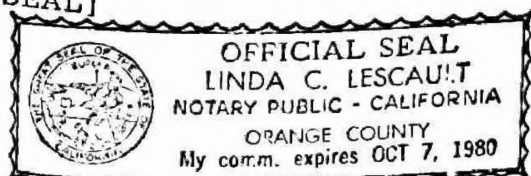
Further affiant sayeth not.

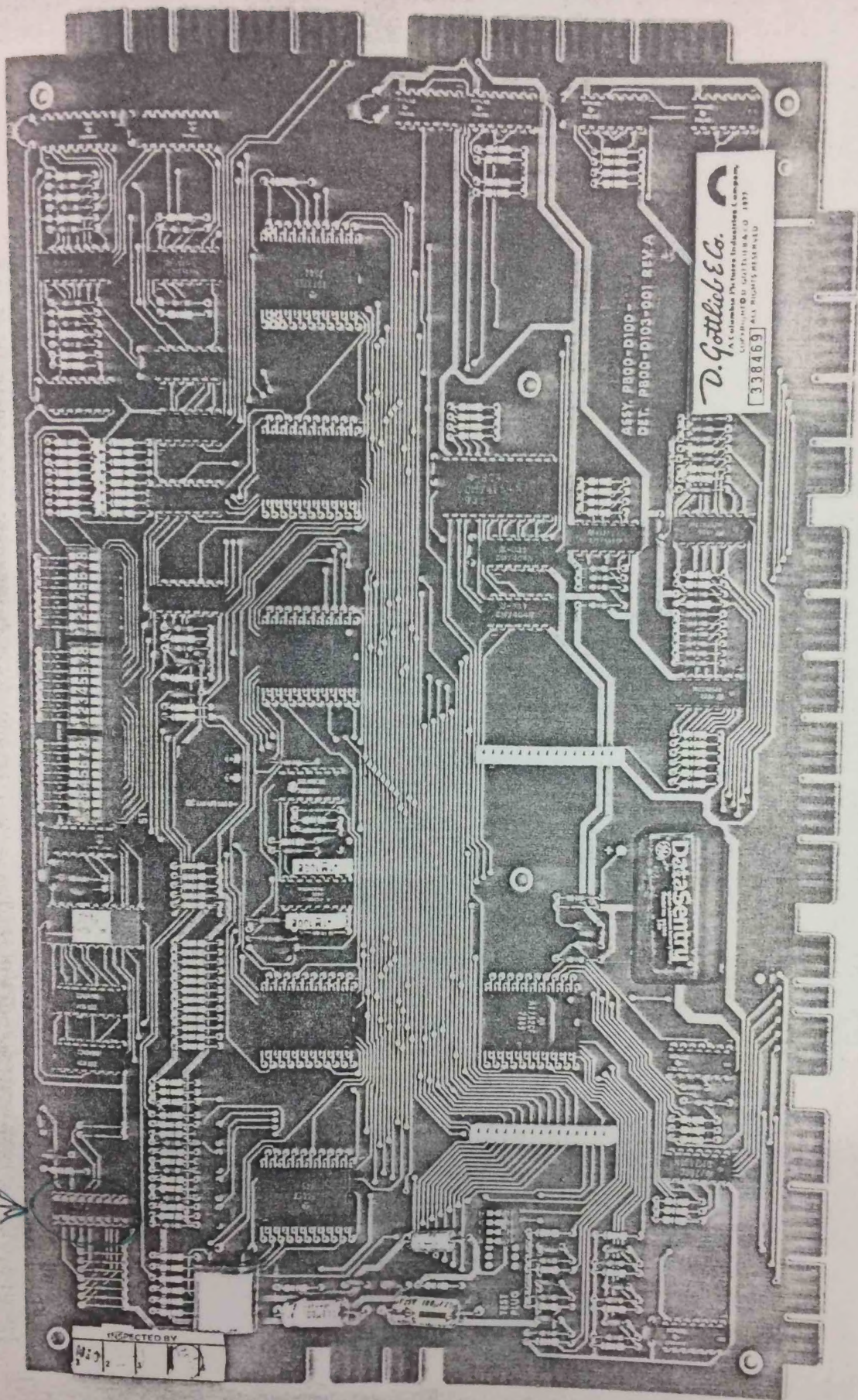
Gerald M. Gross
Gerald M. Gross

SUBSCRIBED AND SWORN TO before me this 14th day of
August, 1979.

Linda C. Lescault
Notary Public in and for
Orange County, California

[SEAL]





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DET. PB00-D103-001 REV. A

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